

**TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE**  
**CHAPTER 5 - HEARINGS**

001 Purpose – To establish a formal Hearing process when a claimant has requested a Hearing before the Committee.

001.01 – Crime Victim’s Reparations program staff will establish the date, time and place of the Hearing after consultation with the members of the Crime Victim’s Reparations Committee and notify, in writing, the Committee members and claimants requesting the Hearing of the date, time and place of the Hearing. Notification of Committee members and claimants must be made at least 20 working days prior to the Hearing.

001.02 – If the claimant cannot attend the Hearing, Crime Victim’s Reparations staff must be notified at least five working days prior to the Hearing. Claimant notification may be made by telephone, but is to be followed by written notification which is signed by the claimant.

001.03 Missed Scheduled Hearings – The Committee may reschedule the Hearing for an appeal of a denied claim for compensation when the claimant fails to appear or notifies the Committee of an intended absence for a scheduled Hearing. If the claimant fails to appear at the second scheduled Hearing and has not notified the Committee prior to the Hearing, the Committee may deny the appeal and the decision of the Committee will be final.

001.04 Recording – Minutes will be taken of all Committee meetings with a record of all votes maintained. The proceedings of all Hearings by the Committee will be recorded and will be transcribed only after the Committee receives notice of appeal in District Court.

001.05 – All proceedings must be conducted in accordance with the Administrative Procedure Act, Neb.Rev.Stat. §84-901 et seq. and with Title 53 of the Nebraska Administrative Code, Chapter 4, as they relate to pleadings, notice, ex parte communications, prehearing conferences, discovery and the progression of the actual contested case at hearing.

002 Evidence – The Committee or its Hearing Officer will not be bound by common law or statutory rules of evidence or by any technical or formal rules of procedure other than provided in these rules and regulations, unless the formal rules of evidence are requested by the claimant pursuant to the Administrative Procedure Act.

002.01 – The Committee will review the Hearing Officer’s findings and claimant’s CVR file in making its determination.

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002.02 – The Committee may receive any statement, document, or information necessary to afford the parties a fair Hearing, including, but not limited to:

002.02A – Hospital records or reports, physicians' reports, and mental health counselor's reports as proof of the injuries sustained without requiring the presence of the attending physicians or mental health counselors at the hearing;

002.02B – Police Reports;

002.02C – Records of medical payments by third parties or any other payments to or on behalf of the eligible applicant; and

002.02D – Statements of witnesses.

003 Committee Decision – The Committee will grant the claimant's request, in whole or in part, when the claimant has demonstrated by a preponderance of the evidence that the claimant or applicant is eligible to receive compensation as specified by Title 80 and the Act conditioned upon the availability of funds.

003.01 – In order to grant the claimant's request, a majority of the Committee's quorum must vote in favor of the request.

003.02 – The vote will be made based upon a motion made during the open hearing.

003.03 – The Committee's decision will be made in writing and will indicate its findings and the bases that support it.

004 – The claimant will be notified, in writing, of the decision of the Crime Victim's Reparations Committee within ten working days from the date of the Hearing. Such notification will be made via certified mail with a signed return receipt from the claimant being requested. Notification will include the decision of the Committee; if the claim is awarded, the amount of the award and the amount to each eligible service provider will be stated. If the Committee denies the request, the reason for the denial will be stated.

005 – Appeals must be filed in accordance with the Administrative Procedure Act and Title 53 of the Nebraska Administrative Code, Chapter 4. A petition for appeal must be filed in the district court of the county where the action is taken within 30 days after receipt of the final decision by the Committee.

Revised from January 20, 1998

Effective date